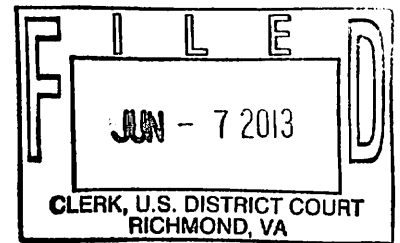


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



ROY L. PERRY-BEY,

Plaintiff,

v.

Civil Action No. 3:12cv704

COMMONWEALTH OF VIRGINIA,  
et al.,

Defendants.

**ORDER**

By Order entered herein on November 19, 2012 the following motions were referred to Magistrate Judge David J. Novak for report and recommendation:

(1) MOTION AND NOTICE FOR INJUNCTIVE RELIEF AND TO STAY EX POST FACTO AND SEX OFFENDER RE-REGISTRATION (Docket Nos. 3 and 4);

(2) DEFENDANTS' MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(1) AND 12(b)(6) (Docket NO. 9); and

(3) MOTION FOR LEAVE TO REPLACE PAGE (2) OF THE COMPLAINT (Docket No. 13).

Having reviewed the REPORT AND RECOMMENDATION of the Magistrate Judge (Docket No. 17) entered herein on April 30, 2013, the OBJECTION TO MAGISTRATE JUDGE DAVID J. NOVAK REPORT AND RECOMMENDATION IN

SUPPORT (Docket No. 18), and the time having lapsed for the timely filing of a response to the objections and no timely response having been filed, and having considered the record and the REPORT AND RECOMMENDATION and finding no error therein, it is hereby ORDERED that:

(A) The OBJECTION TO MAGISTRATE JUDGE DAVID J. NOVAK REPORT AND RECOMMENDATION MEMORANDUM IN SUPPORT (Docket No. 18) is overruled;

(B) The REPORT AND RECOMMENDATION of the Magistrate Judge (Docket No. 17) is ADOPTED on the basis of the reasoning of the REPORT AND RECOMMENDATION;

(C) DEFENDANTS' MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(1) AND 12(b)(6) (Docket No. 9) is granted;

(D) The plaintiff's MOTION AND NOTICE FOR INJUNCTIVE RELIEF AND TO STAY EX POST FACTOR AND SEX OFFENDER RE-REGISTRATION (Docket Nos. 3 and 4) and the plaintiff's MOTION FOR LEAVE TO REPLACE PAGE (2) OF THE COMPLAINT (Docket No. 13) are denied as moot;

(E) The Complaint herein is dismissed with prejudice.

The issues are adequately addressed by the briefs and oral argument would not materially aid the decisional process.

This Order may be appealed by the plaintiff. Any appeal from this decision must be taken by filing a written notice of appeal with the Clerk of the Court within thirty (30) days of the date of entry

hereof. Failure to file a timely notice of appeal may result in the loss of the right to appeal.

The Clerk is directed to send a copy of this Order to the plaintiff.

It is so ORDERED.

/s/ REP  
Robert E. Payne  
Senior United States District Judge

Richmond, Virginia  
Date: June 7, 2013